



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/836,750      | 04/17/2001  | James P. Elia        | 1000-10-C01         | 7239             |

7590 01/29/2008  
Gerald K. White  
GERALD K. WHITE & ASSOCIATES, P.C.  
205 W. Randolph Street, Suite 835  
Chicago, IL 60606

|          |
|----------|
| EXAMINER |
|----------|

KEMMERER, ELIZABETH

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1646

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

01/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/836,750

Examiner

Elizabeth C. Kemmerer, Ph.D.

Applicant(s)

ELIA, JAMES P.

Art Unit

1646

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 15 October 2007 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The after final amendment is entered as it reduces the issues for consideration by the Board of Appeals and Interferences. HOWEVER, APPLICANT IS ADVISED THAT CLAIM 239 CONTAINS A TYPOGRAPHICAL ERROR, WHEREIN "263" SHOULD BE "236." Since the copy of claim 239 in the Appeal Brief of 24 October 2007 is correct, the record is clear that this is a typographical error and not an intentional amendment. Correction of the typographical error may be deferred until after decision by the Board of Appeals and Interferences.

/Elizabeth C. Kemmerer/

Primary Examiner, Art Unit 1646